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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,126	11/07/2001	Bertrand Des Clers	9997.37USWO	5551
23552	7590	06/02/2004	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			NGUYEN, HUNG T	
			ART UNIT	PAPER NUMBER

2636

DATE MAILED: 06/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/009,126

Applicant(s)

DES CLERS, BERTRAND

Examiner

Hung T. Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the time" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the critical" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the induction" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 1, line 7, "this" change to --the-- before "mixture".

Claim 4 recites the limitation "the hydrocarbon" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webber et al. (WO 98/18001) in view of Uto et al. (U.S. 5,886,625).

Regarding claim 1, Webber discloses a process for preventing a risk of explosion of an explosive atmosphere stored in a confined environment / chamber (12) chosen from a group incorporated in a vehicle, in which a temperature of a mixture and any change over time are measured by a sensor (15) for detecting any risk from the atmosphere or exploding / the invention is carried out by measuring pressure and temperatures of gas in a vary of time [figs.1-3, 5-7, col.9, lines 1-10, col.10, lines 15-38, col.14, lines 11-19, col.16, line 5-22, col.25, line 23 to col.26, line 9 and abstract].

Webber does not specifically mention a fuel tank optionally incorporated in a vehicle.

Uto describes a process for preventing a risk of pressure may explore in which a temperature is measured in a sample holding container as a fuel tank (9) in a vehicle and in which the critical moment is determined both on the basic of a time which has elapsed and comparing the measured temperature with the critical temperature [figs.1-7, col.2, line 57 to col.4, line 60].

Therefore, it would have been obvious to one having ordinary skill in the art to employ the teaching of Uto in the system of Webber for providing / identifying accurate the timing source of the danger signals to a user as to prevent an explosion of the atmosphere of the fuel tank in the vehicle.

Regarding claim 2, Both Webber & Uto disclose the chemical material is a petroleum spirit as natural gas, fuel is used in the vehicle engine [col.25, lines 8-40 and abstract].

However, those skilled in the art will recognize that chemical materials can be realized in several ways may include chemical fertilizers or ammonium nitrates or other fields such as coal dust, animal, plant meals and so on.

Regarding claims 3-4, Both Webber & Uto disclose the chemical material is a petroleum spirit as natural gas, fuel is used in the vehicle engine [col.3, lines 7-15 & col.25, lines 8-40 and abstract].

Regarding claims 5-6, Webber discloses the process for preventing a risk of explosion of an explosive atmosphere stored in a confined environment / chamber (12) chosen from a group incorporated in a vehicle, in which a temperature of a mixture and any change over time are measured by a sensor (15) for detecting any risk from the atmosphere or exploding / the invention is carried out by measuring pressure and temperatures of gas in a variety of time without a human intervention [figs.1-3, 5-7, col.1, lines 24-36, col.10, lines 15-38, col.14, lines 11-19, col.16, line 5-22, col.25, line 23 to col.26, line 9 and abstract].

Regarding claims 7-8, Webber discloses the process for preventing a risk of explosion of an explosive atmosphere stored in a confined environment / chamber (12) chosen from a group incorporated in a vehicle, in which a temperature of a mixture and any change over time are

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measured by a sensor (15) for detecting any risk from the atmosphere or exploding / the invention is carried out by measuring pressure and temperatures of gas in a vary of time [figs.1-3, 5-7, col.9, lines 1-10, col.10, lines 15-38, col.14, lines 11-19, col.16, line 5-22, col.25, line 23 to col.26, line 9 and abstract].

Webber does not specifically mention a fuel tank optionally incorporated in a vehicle.

Uto describes a process for preventing a risk of pressure may explore in which a temperature is measured in a sample holding container as a fuel tank (9) in a vehicle and in which the critical moment is determined both on the basic of a time which has elapsed and comparing the measured temperature with the critical temperature [figs.1-7, col.2, line 57 to col.4, line 60].

Therefore, it would have been obvious to one having ordinary skill in the art to have the teaching of Uto in the system of Webber for providing / identifying accurate the timing source of the danger signals to a user as to prevent an explosion of the atmosphere of the fuel tank in the vehicle.

Regarding claims 9-10, Both Webber & Uto disclose the atmosphere comprises the chemical material is a petroleum spirit as natural gas, fuel is used in the vehicle engine is contact with oxygen or air [col.3, lines 7-15 & col.25, lines 8-40 and abstract].

Regarding claim 11, Both Webber & Uto disclose the atmosphere comprises the chemical material is a petroleum spirit as natural gas, fuel is used in the vehicle engine is in contact with a surface of semi confined bulk storage [col.3, lines 7-15 & col.25, lines 8-40 and abstract].

Regarding claim 12, Both Webber & Uto disclose the chemical material is a petroleum spirit as natural gas, fuel is used in the vehicle engine [col.25, lines 8-40 and abstract].

However, those skilled in the art will recognize that chemical materials can be realized in several ways may include chemical fertilizers or ammonium nitrates or other fields such as coal dust, animal, plant meals and so on.

Regarding claim 13, Uto discloses the fuel tank in the vehicle must contain gas, fuel is used in the vehicle engine [col.1, lines 7-10 and abstract].

Regarding claim 14, Both Webber & Uto disclose the chemical material is a petroleum spirit as natural gas, fuel is used in the vehicle engine [col.25, lines 8-40 and abstract].

However, those skilled in the art will recognize that chemical materials can be realized in several ways may include a fuel tank is used in aircraft, boat or mechanical engines.

Regarding claim 15, Webber discloses the process for preventing a risk of explosion of an explosive atmosphere stored in a confined environment / chamber (12) chosen from a group incorporated in a vehicle, in which a temperature of a mixture and any change over time are measured by a sensor (15) for detecting any risk from the atmosphere or exploding / the invention is carried out by measuring pressure and temperatures of gas in a vary of time without a human intervention [figs.1-3, 5-7, col.1, lines 24-36, col.10, lines 15-38, col.14, lines 11-19, col.16, line 5-22, col.25, line 23 to col.26, line 9 and abstract].

Arguments & Responses

5. Applicant's argument filed on April 5, 2004 have been fully considered but they are not persuasive reasons.

Applicant's Arguments:

A) The applicant states that the system of Webber does not recognize that the spontaneous ignition of the atmosphere is an inevitability.

B) The applicant states the system of Webber is not analyzing the spontaneous ignition of the atmosphere.

C) The reference of Uto is not the same field of endeavor.

Response to the arguments:

A) Webber discloses a process for preventing a risk of explosion of an explosive atmosphere stored in a confined environment / chamber (12) chosen from a group incorporated in a vehicle, in which a temperature of a mixture and any change over time are measured by a sensor (15) for detecting any risk from the atmosphere or exploding / the invention is carried out by measuring pressure and temperatures of gas in a vary of time [figs.1-3, 5-7, col.9, lines 1-10, col.10, lines 15-38, col.14, lines 11-19, col.16, line 5-22, col.25, line 23 to col.26, line 9 and abstract].

We do not see the applicant claimed “the spontaneous ignition of the atmosphere is an **inevitability**” in the claims.

B) We do not see the applicant claimed “**analyzing** the spontaneous ignition of the atmosphere” in the claims.

C) Webber discloses the process for preventing a risk of explosion of an explosive atmosphere stored in a confined environment / chamber (12) chosen from a group incorporated in a vehicle, in which a temperature of a mixture and any change over time are measured by a sensor (15) for detecting any risk from the atmosphere or exploding / the invention is carried out by measuring pressure and temperatures of gas in a vary of time [figs.1-3, 5-7, col.9, lines 1-10, col.10, lines 15-38, col.14, lines 11-19, col.16, line 5-22, col.25, line 23 to col.26, line 9 and abstract].

Webber does not specifically mention a fuel tank optionally incorporated in a vehicle.

The reference of Uto describes a process for preventing a risk of pressure may explore in which a temperature is measured in a sample holding container as a fuel tank (9) in a vehicle and in which the critical moment is determined both on the basic of a time which has elapsed and comparing the measured temperature with the critical temperature [figs.1-7, col.2, line 57 to col.4, line 60].

Therefore, the teaching of Uto can be utilized in the system of Webber for providing / identifying accurate the timing source of the danger signals to a user as to prevent an explosion of the atmosphere of the fuel tank in the vehicle.

Conclusion

6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE MONTHS shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung T. Nguyen whose telephone number is (703) 308-6796. The examiner can normally be reached on Monday to Friday from 8:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hofsass, Jeffery can be reached on (703) 305-4717. The fax phone number for this Group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Examiner: Hung T. Nguyen

Date: May 25, 2004


JEFFERY HOFSSASS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600